



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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RECEIVED
APR 03 1980
GERALD W. STOKER
AREA ENGINEER

MEMORANDUM

TO: Donald C. Norseth, Distribution Engineer
FROM: Gerald W. Stoker, Area Engineer
SUBJECT: Milford Valley Accounts 34b and 87

Leo Mayer discussed some of his old problems with me this date and I believe it important enough to bring to your attention. Under account 34b, presently in the name of Duane Yardley, Leo Mayer once owned 103.52 acres of water right (RE: WUC 71-474, 475, 1808) and he sold these rights off but retained most of the land. Apparently he now believes that he can go back to this farm and continue to pump his well water onto as many acres as he can feasibly irrigate. He says that he intends to begin pumping this spring and wants the State Engineer to file an injunction to stop him so that he can enter an action in a federal court.

We also discussed account 87 which describes an old right for 5.0 acres of irrigation. You will recall that he has expanded this useage to approximately 52 acres and has continued to violate the law for over ten years. His son, Max Mayer, presently runs the place and has continued to follow the practice set up by Leo Mayer.

I believe that we will have to instruct the water commissioner, Lee Strong, to notify Leo and Max Mayer when they have exceeded the limitations on the rights mentioned. Actually, there is only one right under WUC 71-1420, the other rights have been sold off. If they persist in pumping the wells beyond their limitations I believe that we must take the appropriate action in a State of Utah District Court. If he wants to have a federal magistrate review his case he will have to wait his turn. Please advise me as to the action you think is appropriate in this matter.

GWS/b1
April 2, 1980

cc: Earl M. Staker, Chief Deputy

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MAR 10 1980

TABLE I

Weather Data for Stations in or near Escalante Valley, Utah

Milford Area 1977 - 1979

		WATER YEAR												CAL. YEAR	
		TOTAL												TOTAL	
		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP		
<u>MILFORD WSO</u>															
Temperature															
1977	47.4	37.6	26.6	25.5	32.7	33.6	49.4	52.3	68.7	73.6	72.2	63.4	48.8	49.8	
1978	51.9	38.8	35.8	33.4	36.4	45.0	46.9	52.7	65.5	73.2	69.8	59.7	50.8	49.4	
1979	52.7	34.2	23.2	19.3	29.3	39.1	47.2	56.6	64.4	73.4	70.1	65.7	47.9	---	
1941-70 AVG.	50.7	37.3	28.6	25.7	31.4	38.1	47.2	56.5	65.2	74.3	72.6	63.0	49.2	49.2	
Precipitation															
1977	1.13	.48	.05	.21	.10	.77	.39	1.89	.20	1.09	1.57	.20	8.08	7.32	
1978	.27	.17	.46	1.56	.80	2.00	1.49	1.44	T	.46	.48	1.70	10.83	13.06	
1979	.33	2.11	.59	1.31	.66	1.73	.63	.96	T	.05	.70	T	9.07	---	
1941-70 AVG.	.78	.67	.73	.61	1.70	1.04	.90	.61	.56	.51	.68	.61	8.40	8.40	
<u>MINERSVILLE</u>															
Temperature															
Precipitation															
1977	1.14	.91	.09	.40	.20	1.00	.13	1.68	.74	2.86	1.05	1.40	11.60	11.08	
1978	.66	.15	.81	1.73	.68	1.69	1.58	1.60	.00	.73	1.07	2.03	12.73	14.73	
1979	.77	1.97	.88	1.11	1.06	2.86	.73	1.28	.00	.10	1.25	.00	12.01	---	
1941-70 AVG.	.83	.82	.76	.71	.83	1.15	.97	.67	.52	.86	1.18	.71	10.01	10.01	
<u>BEAVER</u>															
Temperature															
1977	46.5	39.3	30.5	27.5	34.0	34.9	47.6	51.0	66.1	69.7	68.6	61.4	48.1	49.0	
1978	51.5	40.4	35.3	31.8	34.6	43.6	46.2	52.0	63.4	70.0	67.4	58.2	49.5	48.4	
1979	52.1	35.9	25.0	23.3	31.0	38.5	45.3	54.0	62.2	69.8	65.9	62.9	47.2	---	
1941-70 AVG.	48.9	36.8	29.6	27.7	31.7	36.9	45.3	53.9	61.8	69.3	67.6	60.0	47.5	47.5	
Precipitation															
1977	.98	.62	.11	.27	.18	.83	.53	1.53	.61	2.78	.89	.69	10.02	10.39	
1978	.79	.16	1.13	2.55	1.58	1.97	1.41	1.49	.00	.96	.32	2.21	14.57	15.01	
1979	.48	1.40	.64	1.07	.79	.69	.31	1.79	.00	.09	.58	.00	7.84	---	
1941-70 AVG.	.88	.71	.85	.77	.95	1.00	1.14	1.00	.74	1.10	1.34	.85	11.33	11.33	

D A T A N O T A V A I L A B L E

ESCALANTE VALLEY, UTAH

1978 - 1979

Precipitation during the 1978-79 water year was generally near normal and less than the previous year. In fact Beaver nearly received half as much precipitation as the previous 1977-78 water year.

Curiously enough the precipitation was above normal thru the winter and spring then turned unusually dry during the summer months, averaging 30% for the May thru September period. The precipitation did not come in one lump sum but was an on again - off again pattern every other month.

Winter temperatures were quite cold in December and January, particularly at Milford where departures of -5.4°F and -6.4°F respectively were observed.

Provisional streamflow for the water year at Beaver, Utah indicates a volume of 52,550 acre-feet, 178% of average. This exceeds the previous years flow and is the highest flow since 1952 when 63,700 acre-feet was observed.

Unusually heavy precipitation January and February with good snowfall throughout the mountains will produce another good runoff year. Flows for the third year in a row are likely to exceed 150% of normal.